

September 24, 2014

1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-v-

Case No. 14-30493

KAI XU,

Defendant.

/

INITIAL APPEARANCE

BEFORE THE HONORABLE DONALD SCHEER
UNITED STATES DISTRICT JUDGE

WEDNESDAY, SEPTEMBER 24, 2014

APPEARANCES:

For the Plaintiff: Michael Bullotta
United States Attorney's Office
211 West Fort Street, Suite 2001
Detroit, Michigan 48226

For the Defendant: In pro per

For Pretrial
Services: Maureen Shock

To Obtain a Certified Transcript Contact:

Jeseca C. Jacobs, RMR, CRR, FCRR
Federal Official Court Reporter
Theodore Levin United States Courthouse
231 West Lafayette Boulevard - Detroit, Michigan 48226
(313) 502-7580

September 24, 2014

2

I N D E X

Initial Appearance	Page
Proceedings.....	3
Certificate of Reporter.....	8

P R O C E E D I N G S

THE CASE MANAGER: Court calls case number 14-30493,
United States of America vs Kai Xu.

MR. BULLOTTA: Good afternoon, your Honor. Michael
Bullotta for the United States.

THE COURT: Good afternoon. This is an initial
appearance?

MR. BULLOTTA: Yes, your Honor.

THE COURT: You are Kai Xu?

THE DEFENDANT: Yes, I am, Honor.

THE COURT: Sir, you're before the Court charged in a
criminal complaint with smuggling goods from the United
States, trading in specimens contrary to the Convention on the
International Trade in Endangered Species of Wild Fauna and
Flora. You need not -- and also you are charged with
exporting fish and wild life in violation of US law.

You need not make a statement or answer any question.
Anything that you do say can be used against you in a court of
law. You have the right to a hearing to determine whether the
charges in the complaint are supported by probable cause. You
have the right to the assistance of a lawyer in all stages of
your case. If you can't afford a lawyer, the Court will
appoint one to represent you at Government expense.

Do you have any question about those rights?

THE DEFENDANT: Yes. Can I have my lawyer with me?

1 Can I have my lawyer speak for me?

2 THE COURT: Have you retained counsel or are you
3 seeking court-appointed counsel?

4 THE DEFENDANT: I don't understand. Like I have my
5 lawyer's contact information. Do I call my lawyer to have my
6 lawyer here representing me?

7 THE COURT: You intend to retain a private lawyer?

8 THE DEFENDANT: Yeah, yes, yes.

9 THE COURT: Yes. It will certainly be in your
10 interest to have your attorney present.

11 THE DEFENDANT: Okay.

12 THE COURT: What is the Government's position on
13 bond?

14 MR. BULLOTTA: Your Honor, the Government is seeking
15 detention. Mr. Xu, I believe, is a citizen of Canada. He
16 lives in Windsor. And I believe he may be a dual citizen of
17 China as well. I'm not certain of that fact.

18 So we're asking for detention and -- at least
19 temporary detention until it can be heard.

20 THE COURT: Thank you. Has pretrial services
21 interviewed this Defendant?

22 MS. SHOCK: We have not, your Honor. After the
23 appearance, I will take some time out to interview the
24 Defendant.

25 THE COURT: Very well. Mr. Xu, the Government is

1 seeking to have you held without bail, retained in custody
2 pending this case. You're entitled to a hearing on that
3 matter. And you should be represented at that hearing.

4 Can you estimate how long it will be for your lawyer
5 to make himself or herself available to you?

6 THE DEFENDANT: I have to call him. I'm not quite
7 sure. Because the chamber close at 3:30 and I just have to
8 call his chamber. I don't know -- the lawyer's not my
9 personal lawyer, it's just like a lawyer that I know.

10 THE COURT: Is this an attorney in the United States
11 or --

12 THE DEFENDANT: No, he's in Windsor.

13 THE COURT: He's in Windsor.

14 THE DEFENDANT: I have his contact card.

15 THE COURT: Is he licensed to practice in the United
16 States?

17 THE DEFENDANT: What's that?

18 THE COURT: Is he licensed to practice in the United
19 States?

20 THE DEFENDANT: I have to ask that question. I have
21 to ask, yeah.

22 THE COURT: Very well. I am going to set the matter
23 for tomorrow at one o'clock. If your attorney cannot be
24 present or is not qualified to represent you, I will then
25 consider appointing an attorney and we'll adjourn the hearing

1 until you've had a chance to prepare. But it is essential for
2 your interest that you be represented.

3 Is there someone that you know that could be
4 contacted to help you reach your attorney?

5 MS. SHOCK: I can attempt to assist the Defendant,
6 your Honor, if he'd like.

7 THE COURT: If you provide the number --

8 THE DEFENDANT: I have that number.

9 THE COURT: -- the pretrial services officer will
10 contact that lawyer.

11 THE DEFENDANT: Thank you. Thank you, very much, for
12 the help.

13 THE COURT: And I'm going to have you brought back
14 tomorrow at one o'clock. If your attorney is present, we'll
15 proceed. If your attorney is not available or is not
16 qualified to practice before the Court, we will address the
17 issue of appointed counsel.

18 THE DEFENDANT: Thank you, very much. And also, my
19 Honor, I was just wondering like during this time before
20 tomorrow at 1:00 PM. So can I contact -- can I talk to my
21 parents or -- because I have a test, I have a quiz on Friday
22 at school. And this is my last year of electrical
23 engineering. I study at the University of Waterloo.

24 So I'm saying like it's very important, my last term.
25 So like I'm just wondering so I'll be staying here before --

1 THE COURT: You will be retained in the marshals'
2 custody, that's correct.

3 THE DEFENDANT: Okay.

4 THE COURT: So the pretrial services officer will
5 help you to contact the attorney whose name and number you
6 have or a family member if you can provide a number. I would
7 strongly recommend that you make arrangements to have family
8 or friends, someone supporting your interest, present
9 tomorrow.

10 THE DEFENDANT: So me, I can have my parents here, my
11 girlfriend here?

12 THE COURT: Your parents or friends may attend the
13 session of court. It's a public court.

14 THE DEFENDANT: Okay. And also can I have my
15 girlfriend to visit me during this time?

16 THE COURT: Well, I doubt that there's going to be
17 much opportunity for visiting with your girlfriend between now
18 and tomorrow at one o'clock.

19 THE DEFENDANT: Because my parents are not here.
20 They're in China. So my girlfriend is the only person here
21 that I can --

22 THE COURT: Tell the officer who she is and how she
23 can be reached. She can come to the public court and --

24 THE DEFENDANT: Thank you, my Honor. Thank you, very
25 much.

1 THE COURT: An order of temporary detention pending
2 the hearing.

3 MR. BULLOTTA: Thank you.

4 (Proceedings Concluded)

5 - - -

6
7
8 CERTIFICATE OF OFFICIAL COURT REPORTER

9 I, Jeseca C. Jacobs, Federal Official Court Reporter,
10 in and for the United States District Court Eastern District of
11 Michigan, appointed pursuant to provisions of Title 28, United
12 States Code, Section 753, do hereby certify the foregoing 8
13 pages are a true and correct transcript of the proceedings had
14 in the matter of UNITED STATES OF AMERICA versus KAI XU,
15 Case No. 14-30493 held on September 24, 2014.

16
17 S/ JESECA C. JACOBS
18 Jeseca C. Jacobs, RMR, CRR, FCRR
Federal Official Court Reporter

October 8, 2014
Date